

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS  
ORGANIZATION, INC., successor to  
Brigham Surgical Group Foundation, Inc.,  
BOSTON NEUROSURGICAL FOUNDATION  
INC., BRIGHAM SURGICAL GROUP  
FOUNDATION, INC. DEFERRED  
COMPENSATION PLAN, BRIGHAM  
SURGICAL GROUP FOUNDATION, INC.  
FACULTY RETIREMENT BENEFIT  
PLAN, COMMITTEE ON COMPENSATION  
OF THE BRIGHAM SURGICAL GROUP  
FOUNDATION, INC., FIDELITY  
INVESTMENTS INSTITUTIONAL  
OPERATIONS CO., INC., FIDELITY  
MANAGEMENT TRUST CO., and  
PETER BLACK, M.D.

Defendants.

Case No. 04-10738 PBS

**MOTION TO EXTEND TIME**  
**TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), defendants Brigham and Women's Physicians Organization, Inc., Boston Neurosurgical Foundation, Inc., Brigham Surgical Group Foundation, Inc. Deferred Compensation Plan, Brigham Surgical Group Foundation, Inc. Faculty Retirement Plan, Committee on Compensation of the Brigham Surgical Group Foundation, Inc., and Peter Black, M.D. (collectively, the "Defendants"), by and through their undersigned counsel, respectfully move the Court to extend by twenty-one (21) days the time in which Defendants

may answer or otherwise respond to the Complaint. In support of this motion, Defendants state as follow:

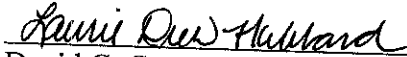
1. The deadline for Defendants' responsive pleadings is currently May 3, 2004;
2. Defendants very recently retained counsel for this matter;
3. Defendants and their counsel need additional time to investigate and prepare their responsive pleadings to the Complaint;
4. Defendants have attempted to contact Plaintiff's attorney to discuss their request for an extension of the time to answer or otherwise respond to the Complaint, but have been unable to do so; and
5. This Motion is not intended to delay the proceedings in this matter.

WHEREFORE, Defendants respectfully request that the Court extend the time in which Defendants may answer or otherwise respond to the Complaint by twenty-one (21) days, through and including May 24, 2004.

Respectfully submitted,

BRIGHAM AND WOMEN'S PHYSICIANS  
ORGANIZATION, INC., BOSTON  
NEUROSURGICAL FOUNDATION INC.,  
BRIGHAM SURGICAL GROUP FOUNDATION,  
INC. DEFERRED COMPENSATION PLAN,  
BRIGHAM SURGICAL GROUP FOUNDATION,  
INC. FACULTY RETIREMENT BENEFIT PLAN,  
COMMITTEE ON COMPENSATION OF THE  
BRIGHAM SURGICAL GROUP FOUNDATION,  
INC., and PETER BLACK, M.D.,

By their attorneys,



David C. Casey (BBO No. 077260)

Gregory C. Keating (BBO No. 564523)

Laurie Drew Hubbard (BBO No. 651109)

LITTLER MENDELSON, PC

225 Franklin Street, 26<sup>th</sup> Floor

Boston, MA 02110

(617) 217-2831

Dated: May 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each other party by first-class mail on May 3, 2004.



Laurie Drew Hubbard

LOCAL RULE 7.1 CERTIFICATION

I, Laurie Drew Hubbard, certify that another attorney for Defendants from my law firm sent Plaintiff's attorney a letter dated April 29, 2004 concerning the subject matter of this motion. I further certify that I attempted to contact Plaintiff's attorney on May 3, 2004 to discuss the subject matter of this motion, but was unable to reach him.

May 3, 2004

Laurie Drew Hubbard  
Laurie Drew Hubbard

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